

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOWARD HOUSTON,

Plaintiff,

v.

SEWARD & KISSEL LLP,

Defendant.

07 Civ. 6305 (HB)

**NOTICE TO COURT THAT  
ACTION INVOLVES CHALLENGE  
TO CONSTITUTIONALITY OF  
STATE STATUTE**

**(Fed. R. Civ. P. 5.1)**

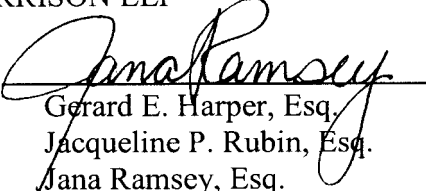
Seward & Kissel LLP, defendant in this action, calls to the attention of this Court, pursuant to Rule 5.1(a) of the Federal Rules of Civil Procedure and Section 2403 of Title 28 of the United States Code, that it challenges the constitutionality of ORS 59.115.

In particular, Seward & Kissel claims that this statute is unconstitutional because it violates the dormant Commerce Clause by impermissibly regulating out of state conduct, and improperly imposes Oregon's regulations and laws on conduct occurring in, and governed by, the laws of another state.

Dated: New York, New York  
October 17, 2007

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